



BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

AGENDA

Monday, August 18, 2008

*Commissioner David Lillard, Chairman
Commissioner Deidre Malone, Chairman Pro Tempore
Commissioner Joyce Avery
Commissioner Henri E. Brooks
Commissioner Wyatt Bunker
Commissioner Mike Carpenter
Commissioner Sidney Chism*

*Commissioner George Flinn
Commissioner Joe Ford
Commissioner J.W. Gibson II
Commissioner James Harvey
Commissioner Steve Mulroy
Commissioner Mike Ritz*

8/15/2008 12:55 PM

2:30 PM

COMMISSION CONVENES

CALL TO ORDER

Chairman David Lillard

OPENING OF THE COMMISSION

Deputy Sheriff

INVOCATION

**Reverend Cynthia Davis
Friendship United Methodist Church**

PLEDGE OF ALLEGIANCE

ROLL CALL

**Approval of Minutes of Previous Session
June 16, 2008**

***Address by Chairman David Lillard on the 2007-2008 term of the Shelby County
Board of Commissioners***

CONSENT AGENDA

Resolutions of Memorial, Sympathy and Commendation

1. [Resolution congratulating Brian L. Kuhn as a recipient of the Bobby Dunavant Public Servant Award and commending him for his exemplary service on behalf of Shelby County Government. Sponsored by Chairman David Lillard.](#)

** Recess of the County Commission Meeting and convening of a Joint Meeting of the Ad Hoc Committee on Shelby County Charter Amendments and General Government Committee to consider proposed amendments to the Shelby County Charter.*

** Reconvene session of the County Commission. Receive and consider report of the Joint Meeting of the Ad Hoc Committee on Shelby County Charter Amendments and the General Government Committee, regarding Ordinances proposing amendments to the Shelby County Charter.*

Ordinances

Zoning and Subdivisions

Reports and/or Resolutions for Standing Committees

2. [Resolution to receive and file the Trustee's Annual Report for the year ended June 30, 2007 in accordance with T.C.A. Section 67-5-1902. Sponsored by Commissioner Deidre Malone.](#)

MALONE

Chairman, Budget and Finance
Committee

MALONE

Chairman, Budget and Finance
Committee

3. Resolution to receive and file the Trustee's Annual Report of delinquent and insolvent taxpayers in accordance with T.C.A. Section 67-5-1903 and to authorize credit be given to the Trustee. Sponsored by Commissioner Deidre Malone.

MALONE

Chairman, Budget and Finance
Committee

4. Resolution approving expenditure of funds in the amount of \$719,266.25 to various vendors to purchase inmate clothing. This item requires expenditure of County General Funds in the amount of \$719,266.25. Sponsored by Commissioner Deidre Malone.

CHISM

Chairman, Law Enforcement
Committee

5. Resolution approving acceptance by Shelby County Fire Department of donation of 57 fire extinguishers from Pfizer, Inc. This resolution sponsored by Commissioner Sydney Chism.

CHISM

Chairman, Law Enforcement
Committee

6. A resolution approving the award of sealed bid #1001385 to Dick Diggons Body Works, Inc. for the expenditure of funds not to exceed the amount of \$130,000.00 for automotive body repairs of fleet vehicles in the Shelby County Sheriff's office and this item requires the expenditure of County General Funds not to exceed the amount of \$130,000.00. Sponsored by Commissioner Sidney Chism. (Deferred from 8/4/08)

CHISM

Chairman, Law Enforcement
Committee

7. A resolution amending the FY09 Budget in the amount of \$576,000 to allow maximum expenditure of grant funds from the U.S. Department of Homeland Security, Tennessee Emergency Management Agency, Buffer Zone Protection Grant previously approved by the Shelby County Board of Commissioners. This item requires expenditure of grant funds in the amount of \$576,000. Sponsored by Commissioner Sidney Chism. (Amended in Committee 8/13/08)

CHISM

Chairman, Law Enforcement
Committee

- . Resolution to approve a contract with Innovative Counseling and Consulting, Inc. for the provision of drug and alcohol treatment services to Shelby County Drug Court Outpatient Program in an amount not to exceed \$400,000. Sponsored by Commissioner Sidney Chism.

CHISM

Chairman, Law Enforcement
Committee

- 9. Resolution to approve a contract with Cocaine Alcohol Awareness Program, Inc. for the provision of drug and alcohol treatment services to Shelby County Drug Court Outpatient Program in an amount not to exceed \$400,000.00. Sponsored by Commissioner Sidney Chism.

CHISM

Chairman, Law Enforcement
Committee

- 10. Resolution to approve a contract with Alcohol and Chemical Abuse Rehab Center, Inc. for the provision of drug and alcohol treatment services to Shelby County Drug Court Outpatient Program in an amount not to exceed \$400,000.00. Sponsored by Commissioner Sidney Chism.

HARVEY

Chairman, Economic
Development and Tourism
Committee

- 11. Resolution approving agreement for Payment In Lieu of Taxes for Bearman Golden Gardens, Inc. a Tennessee Not-for -profit corporation, pursuant to Tennessee Code Annotated 67-5-207, et. seq. Sponsored by Commissioner Deidre Malone. (WITHDRAWN IN COMMITTEE 8/13/08)

FLINN

Chairman, Community Services
Committee

- 12. A RESOLUTION approving the intergovernmental agreement between the City of Memphis Division of Public Services and Neighborhoods and Shelby County Government Division of Community Services for the operation of the East Shelby Branch Library from July 1, 2008 – June 30, 2009. This item requires expenditure of general funds in the amount \$650,000.00. Sponsored by Commissioner George Flinn.

FLINN

Chairman, Community Services
Committee

- 13. A RESOLUTION amending the FY 2009 Operating Budget for a State of Tennessee Community Enhancement Grant in the amount of \$30,000.00 for the Diggs-Kraus Sickle Cell Center and this item requires expenditures of State of Tennessee Community Enhancement Grant funds in the amount of \$30,000.00. Sponsored by Commissioner George Flinn.

REGULAR AGENDA

Elections, Appointments, and Confirmations

- FORD**
Chairman, General Government
Committee
14. [Resolution Approving the County Mayor's Nomination of James D. Berg for Appointment to the Shelby County Ethics Commission. Sponsored by Commissioner Joe Ford.](#)

Ordinances

- FORD**
Chairman, General Government
Committee
15. [ORDINANCE- THIRD READING - an Ordinance to amend the Shelby County Code of Ordinances, Chapter 2, Article II, Section 2-57 relative to the purchase, sale, or exchange of materials, supplies, commodities, equipment and real estate from, to or with any federal, state or local governmental entity. Sponsored jointly by Commissioners Joe Ford and Mike Carpenter. \(SENT FROM COMMITTEE WITHOUT RECOMMENDATION\)](#)
- FORD**
Chairman, General Government
Committee
16. [ORDINANCE- SECOND READING - An ordinance to amend the Shelby County Charter by adding a new Article VIII so as to create the offices of, and assign the duties and functions to, the Shelby County Sheriff, Shelby County Trustee, Shelby County Register, Shelby County Clerk, and Shelby County Assessor; by providing for the State Law requirements necessary for creating a charter form of County Government; by repealing Section 4.06 of Article IV; and by amending the title of Article IV. Sponsored by Chairman David Lillard.](#)
- FORD**
Chairman, General Government
Committee
17. [ORDINANCE - SECOND READING - An ordinance amending the Shelby County Charter by adding a new section to the "general provisions" under Article V relative to term limitations of County Charter Officers. Sponsored by Chairman David Lillard.](#)

Zoning and Subdivisions

RITZ

Chairman, Land Use, Planning,
Transportation and Code
Enforcement Committee

18. [CASE NO. P.D. 08-312 CC](#)
APPLICANT: Mickell Lowery
LOCATION: North side of East Shelby Drive; +/-
1,643 feet east of Riverdale Road
REQUEST: Planned development amendment to
allow a Community Recreation Center
OPD
PLANNER: Brian Bacchus
RECOMMENDATIONS:
Memphis and Shelby County Office of Planning and
Development:
APPROVAL WITH CONDITIONS
Memphis and Shelby County Land Use Control
Board:
APPROVAL WITH CONDITIONS
(Notice of public hearing published in the Daily
News on Friday, August 8, 2008.)
(AMENDED IN COMMITTEE 8/13/08)
19. [CASE NO. S.U.P. 08-216 CC](#)
APPLICANT: Alan & Katherine
Barnhart/Habitat for Hope
LOCATION: South side of Locke-Cuba Road; +/-865
feet west of Woodstock-Cuba Road
REQUEST: Special Use Permit to allow a
philanthropic institution, including residential
cottages, nature trail, horse and barn stables,
resident managers' quarters and an open
recreation field
OPD
PLANNER: Brian Bacchus
RECOMMENDATIONS:
Memphis and Shelby County Office of Planning and
Development:
APPROVAL WITH CONDITIONS
Memphis and Shelby County Land Use Control
Board:
APPROVAL WITH CONDITIONS
(Notice of public hearing published in the Daily
News on Friday, August 8, 2008).

RITZ

Chairman, Land Use, Planning,
Transportation and Code
Enforcement Committee

Reports and/or Resolutions for Standing Committees

MALONE

Chairman, Budget and Finance Committee

20. [Resolution by the Shelby County Board of Commissioners to amend compensation policy adopted by resolution 32 on July 21, 2008 and amend the FY 2009 Operating Budget to grant a salary adjustment to Shelby County Sheriff's deputies at or below the rank of lieutenant retroactively to July 1, 2008. This resolution requires expenditure of General Fund Reserve Funds in the amount of \\$872,036.00. Resolution sponsored by Commissioner Wyatt Bunker. \(FAILED IN COMMITTEE 8/13/08\)](#)

BUNKER

Chairman, Public Works Committee

21. [A resolution approving an agreement with Spring Creek Ranch, LLC and an expenditure of funds in the amount of \\$98,400.00 for the rights to connect the proposed Cotton Creek Area Sewer system to the Spring Creek Ranch Pump Station for transportation of the wastewater to the Town of Collierville publicly owned treatment works and this item requires an expenditure of County CIP Funds in the amount of \\$98,400.00. Sponsored by Commissioner Wyatt Bunker. \(DEFERRED TO 9/22/08\)](#)

BUNKER

Chairman, Public Works Committee

22. [A resolution approving an amendment to the contract with AFRAM Corporation in the amount of \\$133,112.20 for the design of a low pressure sewer system in the Cotton Creek Area and this item requires an expenditure of County CIP Funds in the amount of \\$133,112.20. Sponsored by Commissioner Wyatt Bunker. \(DEFERRED TO 9/22/08\)](#)

BUNKER

Chairman, Public Works Committee

23. [A resolution approving an agreement with the Town of Collierville to treat the wastewater from the Cotton Creek Area. Sponsored by Commissioner Wyatt Bunker. \(DEFERRED TO 9/22/08\)](#)

CHISM

Chairman, Law Enforcement,
Fire, Corrections and Courts
Committee

24. Resolution by the Shelby County Board of Commissioners to encourage the elected judges of the Criminal Courts, General Sessions Criminal Courts, and Civil Courts to collaborate with the Shelby County Sheriff to develop alternate court security arrangements that incorporate the use of part-time retired deputy sheriffs. Sponsored by Commissioner Wyatt Bunker.

CHISM

Chairman, Law Enforcement
Committee

25. Resolution approving contract with Aramark Correctional Services, LLC in an amount not to exceed \$3,700,000.00 for the management and provision of food services for the Division of Corrections and amending the FY09 Corrections Fund Budget. This item requires expenditure of Corrections Funds in the amount of \$3,700,000.00. Sponsored by Commissioner Sidney Chism. (AMENDED AND FAILED IN COMMITTEE 8/13/08)

GIBSON

Chairman, Education Committee

26. Resolution of the Shelby County Board of Commissioners to request and authorize the County Attorney to explore, study and report on the employment of outside counsel and necessary public finance consultants to file suit against the State of Tennessee for fair and equitable state financing of public schools in Memphis and Shelby County. Sponsored by Commissioner Mike Ritz.

FLINN

Chairman, Community Services
Committee

27. A RESOLUTION approving lease agreement in the amount of \$429,525.00 with Memphis Christian Academy for space lease at 5221 Cottonwood Rd., Memphis, TN for the operation of a Head Start program and this item requires expenditure of Federal Grant Finds. Sponsored by Commissioner George Flinn. (SENT FROM COMMITTEE WITHOUT RECOMMENDATION)

FORD

Chairman, General Government
Committee

28. Resolution by the Board of Commissioners of Shelby County, Tennessee requiring criminal, sex offender, and child support background checks for all nominees to any board, agency, or commission that are appointed and/or confirmed by the Board of County Commissioners. Sponsored by Commissioner Henri E. Brooks. (DEFERRED TO 9/8/08)

BROOKS

Chairman, Core City,
Neighborhoods, and Housing
Committee

29. [Resolution to amend the definition of the Design Review Committee in the resolution approved June 16, 2008 amending the policies and procedures of the Shelby County Homestead Program pursuant to Chapter 281 of the Public Acts of 1985 and as authorized by the Shelby County Mayor and the Shelby County Board of Commissioners by resolution on October 7, 1985. Sponsored by Commissioner Mike Ritz. \(AMENDED IN COMMITTEE AND DEFERRED TO 9/8/08\)](#)

Announcements/Statements

Adjournment

30. Resolution of adjournment to a date and time determined by the Chairman, subject to adoption of appropriate motion by the County Commission